UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,457	04/22/2004	Herve Dallet	SCHN : 037	6425

27890   7590   03/09/2007

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON, DC 20036

EXAMINER
ULRICH, NICHOLAS S

ART UNIT	PAPER NUMBER
2173	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/829,457	DALLET ET AL.
	Examiner	Art Unit	
	Nicholas S. Ulrich	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 April 2004*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *4/22/2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *4/22/2004*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-14 are pending

2.   The information disclosure statement has been considered by the examiner.

Specification

The disclosure is objected to because of the following informalities: Pg 5 contains

the word "memorising". This should read memorizing.

Appropriate correction is required.

The abstract of the disclosure is objected to because of exceeding one-

paragraph limit. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 1-14 are objected to because of the following informalities: Throughout

the claims two words have been spelled incorrectly. "organised" should read organized

and "characterised" should read characterized. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of
making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

The examiner is confused in regards to "a specific display attached to the corresponding

symbol". From reading the disclosure, it is not evident to what this limitation pertains to,

resulting in the examiner unable to provide a rejection based on prior art. A clear

explanation should be provided that indicates what specific display is attached to the

corresponding symbol.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Verone et al. (US 2003/0114942) in view of Shteyn (US 6434447 B1).

In regard to claim 1, Verone discloses an Operating terminal for a system of

devices or a machine, particularly for an automation system, comprising:

a display (13) with a screen used in non-graphic mode, capable of displaying

pages organized in menus and composed of lines (14) for use for the operator's

dialogue with the system, particularly for surveillance, diagnostic and control purposes

(Paragraph 0010 lines 3-6: communicates menus to the display unit; and Paragraph

0034 lines 3-6),

at least one scroll device (16c) and function keys (16), the text pages comprising

symbols (S) placed in the lines (14) and denoting function keys *(Paragraph 0034 and*

0068: control keys 208, 210, 214, and 212 are all considered scroll key; keys 202, 204,

206, 208, 210, 2112, 214, and 216 are all function keys; and a selector character such

as an arrow image is displayed to support navigation using scroll keys),

the scroll device (16c) is useable by the operator to select a line (14) *(Paragraph*

0080 line 3; the user can scroll to particular device, in other words scroll to different

lines of the menu that contain names of devices),

Verone fails to disclose a dialogue application created by the operator and

comprising dialogue data that can be displayed on lines (14) in text form (T) using

alphanumeric characters and internal software (18) capable of processing dialogue data

and managing the display process.

However, Shteyn discloses a dialogue application created by the operator and

comprising dialogue data that can be displayed on lines (14) in text form (T) using

alphanumeric characters and internal software (18) capable of processing dialogue data

and managing the display process, characterized by the fact that (*Column 8 lines 32-47*

and Column 10 line 41):

at least one line (14) displayed on the display (13) defines two Boolean

control actions applicable to at least one automation device, the line containing

two corresponding symbols (Sa, Sb) representing Boolean control actions *(Fig 2*

element 210 or 214, and Column 10 lines 32-38: Element 210 of figure 2

demonstrates a Boolean control of a device where the state of the device is

represented by 1 and 0. Element 214 demonstrates Boolean control of a plurality

of devices wherein the state of the device is represented by on and off. Both

examples show the Boolean controls on one line),

and function keys that can be pressed by the operator to perform either of

the two Boolean control actions specific to the line (14s) *(Fig 2 elements 214 and*

Column 10 lines 36-37: The Boolean functions can be mapped to a plurality of

soft keys which is equivalent to a check box widget),

Shteyn does not explicitly disclose two function keys on the left and right of the

screen for performing Boolean control actions on a device with symbols corresponding

to the state on one line of the display.

Shteyn does however discuss the ability to assign a plurality of soft keys with

the ability to change a Boolean state of a device.   Therefore a right and left function key

could be assigned to control the Boolean state of a device. Shteyn does not go into ·

detail about the operation of the soft keys with the Boolean control but it should be

understood that he teaches towards Verone's invention.

Verone further teaches two function keys (16a,16b) on the left and right sides of

the display that could be unambiguously designated by the Boolean control action

symbols (Sa, Sb), after the corresponding line (14s) has been selected *(Paragraph*

0091, Paragraph 0034 lines 6-9, figure 2, Fig 10A element 102 and Paragraph 0068:

The left and right buttons(212 and 214) showed in Figure 2 are used to navigate around

within the display to change values with a corresponding selector character. Verone

discusses scrolling on a screen to set on/off attributes of a device. Fig 10A shows us a

menu screen 102 where there are Boolean control options of start and abort shown on

two lines. Verone discusses there could be multiple regions on a single line therefore

demonstrating two specific Boolean control actions on one line. Verone does not show

the function keys on either side of the display screen. However, It would have been an

obvious matter of design choice to arrange/position the components (functions) located

in one side of the device of Verone's invention with left and right side of the device,

since such modification would have involved a mere change in the location of a

component. A change in location is generally recognized as being within the level of

ordinary skill in the art . In Re Japikse, 86 USPQ 70 (CCPA 1950)).

Verone and Shteyn are analogous art because they are both from the same field

of endeavor of controlling devices through the use of a remote terminal. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Shteyn and Verone's invention because one of ordinary skill in the art would be motivated to provide computer software with the ability to define control actions and menu screens of each controlling device in order to satisfy the needs of the operator. Also, discussed in the background section of Shteyn disclosure is how Philips (which is the assignee of the application) is working on developing standards for distributed computing platforms (home network or automation system). It would be beneficial to follow these created standards to ensure operation with plurality devices that may not even have been developed yet.

In regard to claim 2, Verone discloses a terminal characterised by the fact that selecting the line (14s) causes selection of the two control action symbols (Sa, Sb), each control action attached to a symbol being triggered by pressing the corresponding function key (16a,16b) *(Paragraph 0068 and Paragraph 0074: a menu is split up into multiple horizontal regions (lines). There can be multiple regions per line depending on user needs. Verone further discusses a menu that contains boolean control of turning on or turning off a regeneration. It is inherent that both of these options could be located on one line and by navigating through the menu, selection of each state can be accomplished by using the function keys).*

In regard to claim 3, Verone discloses a terminal characterised by the fact that at

least one of the text lines (14) is composed of a left part and a right part, defining two

corresponding dual control actions, and the corresponding two control action symbols

(Sa, Sb) are representative of dual functions of the same component (A) in the system

of devices *(Paragraph 0068 and Paragraph 0074: a menu is split up into multiple*

horizontal regions (lines). There can be multiple regions per line depending on user

needs. Verone further discusses a menu that contains boolean control of turning on or

turning off a regeneration. It is inherent that both of these options could be located on a

single line creating a left and right side wherein one side has the start option and the

other side has the abort option).

In regard to claim 4, Verone discloses a terminal characterised by the fact that

selecting a line (14s) determines the display of a visual attribute specific to the control

action symbol(s) (Sa, Sb) *(Paragraphs 0073 – 0074: Once the regeneration menu has*

been selected by selecting the correct line on the main menu the screen displayts the

state of the device as either ON or OFF).

In regard to claim 5, Verone does not explicitly disclose that the control action

symbol is representative of the current state of the boolean variable but does disclose

providing information to a user of the current state *(Paragraph 0074 lines 3-4).*

However, Shteyn discloses the control action symbol is representative of the current

state of the Boolean variable to which the control action is applicable *(Column 10 lines*

31-35 and Figure 2 element 210: Shteyn discusses the boolean operation and shows in figure 2 how the state of the device can be mapped to a one and zero). Therefore it would have been obvious at the time of the invention to incorporate the teachings of Shteyn to Verone's invention in order to provide a more condensed showing of the state of the device within one line on the display device.

In regard to claim 6, Verone does not explicitly disclose the Boolean control action triggered by pressing the function key is a single press type. However, Shteyn discloses Boolean control is mapped to a GUI element for selection *(Column 10 line 36: This implies that selecting the element associated with the Boolean control is done by pressing the element key).* Therefore it would have been obvious at the time of the invention to incorporate the teachings of Shteyn to Verone's invention to include a single press of a function key for controlling the Boolean control of a device.

In regard to claim 7, Verone discloses a terminal characterised by the fact that the Boolean control action triggered by pressing the function key (16a,16b) is of the set type or the reset type *(Paragraph 0074 lines 8-10: selecting start option starts regeneration (the device is set), selecting abort option stops or resets regeneration that is in progress).*

In regard to claim 11, Verone discloses a terminal characterised by the fact that when a page is displayed, no lines with control action symbols will be selected, a control

action cannot be activated until the corresponding line (14s) has been selected using

the scroll device (16c) *(Paragraph 0034 lines 9-10: A selector character is displayed to*

support navigation. It is inherent through Verones invention as a whole that the selector

character is used to move to each line of a menu. Once the selector character is

positioned on a line, then control is given for performing tasks within that line).

In regard to claim 12, Verone discloses a terminal characterised by the fact that

action symbols (S) and texts of lines (14) are composed exclusively of ASCII characters

(Paragraph 0034 lines 4-5 and Paragraph 0071: It should be understood that ascii is

very well known in the art and when using a display that is only capable of displaying

alphanumeric characters requires the use of ascii characters).

Claims 8-10, 13, and 14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Verone et al. (US 2003/0114942) in view of Shteyn (US 6434447 B1)

and further in view of Rakoff (US 5886894).

In regard to claims 8, 9, and 10, Verone does not explicitly disclose a

increment/decrement action associated with a control action symbol but discusses

changing the value of a rate for a port *(Paragraph 0063 lines 7-10).* Since in Verone's

invention he does not disclose a keypad for entering specific digits an

increment/decrement function would be needed to vary the rate of the port.

However, Rakoff does disclose an increment/decrement action provided with a corresponding control action symbol *(Fig 20 and Column 18 lines 18-20: Two adjacent buttons are used for stepping from group to group. This shows incrementing to a higher group or decrementing to a lower group. The control action symbols associated with the corresponding function keys are shown in Fig 20 in the first box. A plus for incrementing and a minus for decrementing).*

Rakoff further discloses the left function key is associated with increment and the right function key is associated with decrement *(Fig 20: The first box shows a plus/increment function associated with a left button and a minus/decrement function associated with a right button).*

Rakoff further discloses a terminal characterised by the fact that, when the control action is of the transfer or increment / decrement type, a specific display is attached to the corresponding symbol while the action is being carried out *(Fig 20: The first box shows a plus/increment function associated with a left button and a minus/decrement function associated with a right button. Also shown is "%###:$" which correlates to the selected group. So as the groups are being incremented or decremented, this display will change based on the selected group).*

Verone, Shteyn, and Rakoff are analogous art because they are both from the same field of endeavor of automation control. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Rakoff and Shteyn to Verone's invention because one of ordinary skill in the art would be motivated to provide increment/decrement functionality in order to

change numeric values without a keypad. Also, it would have been obvious to include a

control action symbol to provide necessary direction to the user for performing the

increment/decrement function.

In regard to claim 13, Verone discloses the function keys being arranged on the

side of the screen and arrows are marked on them *(Fig 2 element 214 and 212)*.

Verone and Shteyn both fail to disclose each action symbol comprises an arrow pointing

toward the left or towards the right. However, Rakoff discloses a menu that provides for

selection utilizing buttons located adjacent the display in locations indicated by the

arrows on the menu *(Column 18 lines 5-7 and Figure 10)*. Verone, Shteyn, and Rakoff

are analogous art because they are both from the same field of endeavor of automation

control. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the teachings of Rakoff and Shteyn to

Verone's invention because one of ordinary skill in the art would be motivated to provide

direction for the user as to which soft key will perform the function displayed on the

screen.

In regard to claim 14, Verone discloses an Operating terminal for a system of

devices or a machine, particularly for an automation system, comprising:

a display (13) with a screen used in non-graphic mode, capable of displaying

pages organized in menus and composed of lines (14) for use for the operator's

dialogue with the system, particularly for surveillance, diagnostic and control purposes

(Paragraph 0010 lines 3-6: communicates menus to the display unit; and Paragraph

0034 lines 3-6),

at least one scroll device (16c) and function keys (16), the text pages comprising

symbols (S) placed in the lines (14) and denoting function keys *(Paragraph 0034 and*

0068: control keys 208, 210, 214, and 212 are all considered scroll key; keys 202, 204,

206, 208, 210, 2112, 214, and 216 are all function keys; and a selector character such

as an arrow image is displayed to support navigation using scroll keys),

the scroll device (16c) is useable by the operator to select a line (14) *(Paragraph*

0080 line 3; the user can scroll to particular device, in other words scroll to different

lines of the menu that contain names of devices),

Verone fails to disclose a dialogue application created by the operator and

comprising dialogue data that can be displayed on lines (14) in text form (T) using

alphanumeric characters and internal software (18) capable of processing dialogue data

and managing the display process.

However, Shteyn discloses a dialogue application created by the operator and

comprising dialogue data that can be displayed on lines (14) in text form (T) using

alphanumeric characters and internal software (18) capable of processing dialogue data

and managing the display process, characterized by the fact that (*Column 8 lines 32-47 and Column 10 line 41*):

at least one line (14) displayed on the display (13) defines two Boolean control actions applicable to at least one automation device, the line containing two corresponding symbols (Sa, Sb) representing Boolean control actions *(Fig 2 element 210 or 214, and Column 10 lines 32-38: Element 210 of figure 2 demonstrates a Boolean control of a device where the state of the device is represented by 1 and 0. Element 214 demonstrates Boolean control of a plurality of devices wherein the state of the device is represented by on and off. Both examples show the Boolean controls on one line)*,

and function keys that can be pressed by the operator to perform either of the two Boolean control actions specific to the line (14s) *(Fig 2 elements 214 and Column 10 lines 36-37: The Boolean functions can be mapped to a plurality of soft keys which is equivalent to a check box widget)*,

Shteyn does not explicitly disclose two function keys on the left and right of the screen for performing Boolean control actions on a device with symbols corresponding to the state on one line of the display and increment/decrement control actions.

Shteyn does however discuss the ability to assign a plurality of soft keys with the ability to change a Boolean state of a device and also an array of integers. Shteyn does not go into detail about the operation of the soft keys with the Boolean control or

array of integers but it should be understood that he teaches towards Verone's invention

and Rakoff's invention.

Rakoff teaches increment/decrement control actions with corresponding symbols

representing control actions *(Fig 20 and Column 18 lines 18-20: Two adjacent buttons*

are used for stepping from group to group. This shows incrementing to a higher group

or decrementing to a lower group. The control action symbols associated with the

corresponding function keys are shown in Fig 20 in the first box. A plus for

incrementing and a minus for decrementing).

Verone further teaches two function keys (16a,16b) on the left and right sides of

the display that could be unambiguously designated by the Boolean control action

symbols (Sa, Sb), after the corresponding line (14s) has been selected *(Paragraph*

0091, Paragraph 0034 lines 6-9, figure 2, Fig 10A element 102 and Paragraph 0068:

The left and right buttons(212 and 214) showed in Figure 2 are used to navigate around

within the display to change values with a corresponding selector character. Verone

discusses scrolling on a screen to set on/off attributes of a device. Fig 10A shows us a

menu screen 102 where there are Boolean control options of start and abort shown on

two lines. Verone discusses there could be multiple regions on a single line therefore

demonstrating two specific Boolean control actions on one line. Verone does not show

the function keys on either side of the display screen. However, It would have been an

obvious matter of design choice to arrange/position the components (functions) located

in one side of the device of Verone's invention with left and right side of the device,

since such modification would have involved a mere change in the location of a

component. A change in location is generally recognized as being within the level of

ordinary skill in the art . In Re Japikse, 86 USPQ 70 (CCPA 1950)).

Verone, Shteyn, and Rakoff are analogous art because they are from the same

field of endeavor of automation control. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to incorporate the teachings

of Shteyn, Rakoff, and Verone's invention because one of ordinary skill in the art would

be motivated to provide computer software with the ability to define control actions and

menu screens of each controlling device in order to satisfy the needs of the operator

and also provide increment/decrement functionality in order to change numeric values

without a keypad. It would have also been obvious to include a control action symbol to

provide necessary direction to the user for performing the increment/decrement

function. Discussed in the background section of Shteyn disclosure is how Philips

(which is the assignee of the application) is working on developing standards for

distributed computing platforms (home network or automation system). It would be

beneficial to follow these created standards to ensure operation with plurality devices

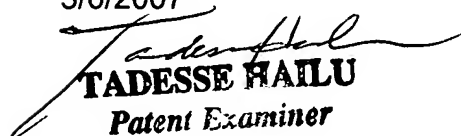that may not even have been developed yet.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Ulrich
2173
3/6/2007

TADESSE HAILU
Patent Examiner